

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*

PROMESA
Title III

No. 17 BK 3283-LTS

(Jointly Administered)

Debtors.¹

**DECLARATION OF THE LAW OFFICES OF ANDRÉS W. LÓPEZ, P.S.C.
PURSUANT TO THE PUERTO RICO RECOVERY ACCURACY IN DISCLOSURES
ACT AND THE COURT'S ORDERS RELATED THERETO**

I, Andrés W. López, hereby declare as follows:

1. I am the owner of The Law Offices of Andrés W. López, P.S.C., a professional services corporation located at 902 Fernández Juncos Avenue in San Juan, Puerto Rico.
2. The Law Offices of Andrés W. López, P.S.C. employs two (2) attorneys. Its practice largely consists of representing clients in litigation matters before federal and state courts.

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the "Commonwealth") (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA", and together with the Commonwealth, COFINA, HTA, ERS, and PREPA, the "Debtors") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

3. I submit this Declaration pursuant to the Puerto Rico Recovery Accuracy in Disclosures Act, Pub. L. No. 117-82, 48 U.S.C. § 2178(c) (“PRRADA”) and the Court’s Orders dated March 30, June 24, and September 6, 2022 (Docket Entry Nos. 20467, 21334, and 22062 in Case No. 17-3283).
4. I am licensed to practice law in Puerto Rico and Massachusetts and am a member in good standing in both jurisdictions. I am also admitted to practice before the United States District Courts of Puerto Rico and Massachusetts, the United States Court of Appeals for the First Circuit, and the United States Supreme Court.
5. On July 31, 2017, the Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”) and The Law Offices of Andrés W. López, P.S.C. entered into an Agreement for Legal Services (the “Agreement”) to provide AAFAF with legal representation in certain of the Title III cases. The Agreement expired by its terms on December 31, 2017.
6. On February 26, 2018, the Court granted the undersigned’s requests to withdraw as counsel for AAFAF. (Case No. 17-3283, Docket Entry 2593; Case No. 17-3284, Docket Entry 259; Case No. 17-3566, Docket Entry 253; Case No. 17-3567, Docket Entry 405.) Since that date, The Law Offices of Andrés W. López, P.S.C. has not appeared on AAFAF’s behalf in any Title III case (or in any other matter). From time to time, The Law Offices of Andrés W. López, P.S.C. represents the Commonwealth in non-Title III litigation.
7. Prior to signing the Agreement, The Law Offices of Andrés W. López, P.S.C. disclosed to AAFAF that it represented clients with interests adverse to Debtor Puerto Rico Electric Power Authority (“PREPA”). Accordingly, the Agreement stated as follows:

“[AAFAF] acknowledges that the Law Firm currently represents clients that have adverse interests to the Puerto Rico Electric Power Authority (“PREPA”) in pending litigation, as well as in pending litigation where PREPA appears as a co-defendant. To that end, the Law Firm will recuse itself from any discussions with [AAFAF] that touch on PREPA. [AAFAF] agrees and confirms that the Law Firm’s service as counsel in the Title III cases (which specifically excludes PREPA’s Title III case) will not be a basis for disqualifying Andrés W. López, the Law Firm, or the Law Firm’s co-counsel (the law firms of Susman Godfrey and McConnell Valdés) in any pending or future litigation matter involving PREPA.”

In accordance with the Agreement, The Law Offices of Andrés W. López, P.S.C. recused itself from any participation in the PREPA Title III case, and AAFAF retained separate counsel to represent PREPA in the PREPA Title III case.²

8. In addition, before signing the Agreement, The Law Offices of Andrés W. López, P.S.C. disclosed to AAFAF that it represented two defendants in a multi-defendant products liability case filed by the Commonwealth of Puerto Rico and pending before the United States District Court for the Southern District of New York. Accordingly, the Agreement stated as follows:

“[AAFAF] acknowledges that the Law Firm has appeared as co-counsel for two defendants in a multi-defendant products liability matter brought by the Commonwealth of Puerto Rico that is now part of a Multi-District Litigation currently pending in the United States District Court for the District of New York. In an abundance of caution, the parties agree that the Law Firm will move to withdraw as counsel in that matter on or before August 4, 2017.”

As agreed, The Law Offices of Andrés W. López, P.S.C. withdrew from that case on July 31, 2017, and thereafter recused itself from any further participation in the case.

² The Amended MIP List includes The Law Offices of Andrés W. López, P.S.C. in its Schedule 4(D), which lists professionals retained in PREPA’s Title III case. This is not correct. The Law Offices of Andrés W. López, P.S.C. was not retained in PREPA’s Title III case and recused itself from any participation in that case. The undersigned recently communicated with the FOMB’s counsel and requested a revision accordingly.

9. The clients referenced in paragraphs 7 and 8 of this Declaration are Vitol S.A. and Vitol Inc., the latter of which appears in the Amended MIP List approved by the Court (Docket Entry 20458 in Case No. 17-3283).
10. I have reviewed the Amended MIP List approved by the Court, and I have conducted a check of our client list to determine whether The Law Offices of Andrés W. López, P.S.C. has an adverse interest to the Debtors in connection with the matters for which it was retained or in any other matter. To the best of my knowledge, information, and belief, The Law Offices of Andrés W. López, P.S.C. (i) is a “disinterested person,” as that term is defined in section 101(14) of the Bankruptcy Code, relative to any entity or person on the Amended MIP List, and (ii) does not represent or hold an adverse interest in connection with the Title III cases.
11. AAFAF is a separate public corporation from the Commonwealth and the other Debtors and is not one of the Debtors. The Law Offices of Andrés W. López, P.S.C. did not have any claims against AAFAF that arose before the Commonwealth filed its Title III petition.
12. The Law Offices of Andrés W. López, P.S.C. reserves all rights to amend and/or supplement its disclosures contained herein.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

In San Juan, Puerto Rico, this 9th day of September 2022.

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